1 42.)

G. R. S. 58]
Previous references.

File No. 23-10

Serial Nos. 1-4

1910.

(Courts)

Later references.

Cb 23-13 1-3 B.
" 143-20(1-2)
" 28-72(1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Part B for Feb. 10.

SUBJECT.

Authorizing the civil judges to record Evidence in English

Table of contents.

From the Regr. Ch. Court No 217/16 dt 15.7.10.
Inquires if the Govt would accept a recommendation to invest certain selected judges with power to record evidence in English.

2. To the Regr. Ch. Court No 507 dt 6-9-10
Intimates that Govt have no objection to the proposal

3. From the Regr. Ch. Court No 1259/16/1/1 forwarding draft sub judges notification for approval with the power for approval

GPB—5,000—22-10-10

4. To the Compiler Gazette No 930 dt 22-9-10
Notifies the investiture of Ch. Sub judges with power to record evidence in English. Copy Regr. Ch. Court No 22-9-

G.R.S.11] 190-11

GENERAL AND REVENUE SECRETARIAT

(Courts.)

NOTES.

Cts. File No. 23-10.

FILE HEADING.

Authorizing the Civil Judges to record evidence in English.

From The Registrar of the Chief Court of Mysore

No. 217/16 Dated 15.7.1910 Received 16.7.1910.

Diary No. 2147 | Enclos. nil Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Enquires whether the Govt would accept a recommendation to invest Selected Civil Judges under Section 185-A of the Civil Pro Code with power to record evidence in the English language.

NOTES AND ORDERS.

Subd for orders.

Secy 11/ 20.7.10 20/7

The advantage resulting from the adoption of the new or "Single Record System" is that the Court Clerk

NOTES—First sheet.

GPB—30,000—3-4-07

will be relieved of the task of writing down the Evidence in Kanarese. There will also be a welcome reduction in the Size of the records.

3 At the Same time, it has to be pointed out that the Services of the Court Clerk can not be dispensed with. He has to be present in Court all along to call parties and witnesses, mark Exhibits, read out documents tendered to be put in Evidence, Sort the papers put in and generally assist the Court also and the members of the Bar also in during the progress of the trial. - Instead of taking a mere memorandum the Judge will have to record the Evidence in a more Elaborate form.

4 As to their Competency, no doubt will perhaps be Entertained - the only question being whether the lawyers (and a portion of the public also) are wedded welcome the change.

5 - Considered on its merits, the proposal Seems to be a desirable one and may perhaps be accepted

Sec'y. 21/7/10

Serial No.

6' Selected civil judges may be empowered to record evidence in English -

2nd Cr)

CSB 12/8/10 KRK 12.8

7. It is true that the Kannada record is not made use of in most cases, but I have found inaccuracies & omissions occasionally in the English record & been able to correct them by reading the Kannada depositions. The Power should be given to judges who are found to record evidence carefully — We may say, I think, that Govt would have no objn to make the direction in the case of experienced judges. Such evidence will also be read over & interpreted to a witness.

7450 16-8-10

Civil Procedure Code Recd 16-8-10

15/8/10

Dewan

KRK 17.8.

The Chief Court

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Serial No.	
	recommendation may be sanctioned.
	28 Sept
	Please reply accordingly.
	29/8/10
	draft SH 31/8/10
	Draft Subd.
	31.8.10. 1.9.10
	Issued 1/9/10.
2	To the Registrar Chief Court of Ellysm No 9750 & 5.9.10.
	States that Govt have no objection to direct selected Civil Judges to take down evidence in English.
3	From the same officer, No 1259/76 & 12.9.10
	Forwards for publication, a draft notification empowering District and Subordinate Judges to take down evidence in English, and states that it is not at present proposed to recommend Munsifs for similar powers.
	Subd for orders, with the draft notification.
	15.9.10 15/9/10
	2nd order. 13 15/9/10
	Draft approved by Hon'ble Councillor
	Issue for insp.

Dirn will please submit fair copy of the C.P.C. Sub 9/11 in original for signature & return draft.

418

NOTE—Contn. sheet.

GPB—55,0[illegible]27.1[illegible]

G. R. S. 12]
General and Revenue Secretariat.

Cf File No. 23 of 190-u

5

Serial No.	
4	To the Compiler Mysore Gazette. N° J 930 & 22. 9. 1910. Directs with [redacted] all District [redacted]ges and Subjudges, that evidence in Cases in which an appeal is allowed shall be taken down by them in English.
	To the Registrar Chief Court N° J 930 & 22-9-1910. Forwards a copy of the above
15	Issued and Submitted to Dewan for information.
8119 28.9.10	Stcs 27.9.10

B Rec 11.10.10

No 217/16

J147

Bangalore dated, 15th July 191^. 15

From,

V.A.Rajaratna Mudaliar, Esq.,

Registrar, Chief Court of Mysore.

To,

C.S.Balasundaram Iyer, Esq.,

Offg: Secretary to Government,

General and Revenue Departments.

Sir,

I am directed by the Judges of the Chief Court to inquire whether the Government would accept a recommendation to invest selected Civil Judges under Section 185 A of the Code of Civil Procedure with power to take down evidence in the English language. Recommendations are received from time to time, but it is thought better in the first instance to ascertain the views of the Government.

2. The compilation of the kanarese record occupies the entire time of one clerk. The record is not referred to in one out of a hundred cases and then only on some unimportant point.

3. The double record system which was formerly in force throughout all the Regulation Provinces in British India is being rapidly superseded by the single record system. The Chief Judge desires me to say that in 35 years' experience of the single record system he cannot recall to mind a single case in which the accuracy of the record has been seriously challenged.

4. In Mysore many Magistrates have been empowered to take down the evidence in the English language, and to deny a similar privilege to Civil Judges would seem to imply that they are less trustworthy than or not so well acquainted with English as officers similarly placed in British India, a proposition to which the Judges of this Court are unable to assent.

I have the honor to be,
Sir,
Your most obedient servant;

V.A. Rajaratna Mudaliar
Registrar

G.R.S. 26]

Cts File No. 23/10

Serial No. 2.

Diary No. of letter replied to 9 17.7

No. J 750

General and Revenue Secretariat

(Cs)

, *the* 190

To

The Registrar of the
Chief Court of
Mysore.

Date of issue 5/9/10

Signed by Mr S. Hiriyannaiya

Sir,

Adverting to your letter No 217 dated the 15th July 1910, on the matter of directing some of the Civil Judges under section 185 A of the Code of Civil Procedure, to take down evidence in the English language, I am directed to state that the Govt would have no objection to make the direction in the case of ~~experienced~~ selected

over.

SUBJECT.

gh.
2/9

Judgov.

I have te

For Secretary
to Govt.

SN
1-9-20

Left
H+C
31-8-20

List of enclosures.

Copied by

Examined by

GPB—10,000—23-5-08.

No. 1259 / 76 Jud. 1

2734

Chief Court of Mysore,

Bangalore dated, 12th September 1910.

62

From,

V.A.Rajaratna Mudaliar Esq.,

Registrar, Chief Court of Mysore.

To,

C.S.Balasundaram Iyer Esq.,

Offg: Secretary to Government,

General and Revenue Departments.

Sir,

Adverting to your letter No.J.750/Cts.23-10-2 dated 5th instant, I am directed to forward for sanction and publication in the Mysore Gazette, the accompanying draft Notification empowering District and Subordinate Judges to take down evidence in the English Language and to state that, until experience has shewn how the experiment works, it is not proposed to recommend Munsiffs for similar powers.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

B.V.

Court file N° 23-10 -
S.R. N° 4.

J 920 & 22/9/10

Cl 23-10-4.

20/9/10

~~DRAFT~~ NOTIFICATION.

"Under section 185 A of the Code of Civil Procedure, the Government is pleased to direct, with respect to all District Judges ~~or~~ and Subordinate Judges who have been or who may hereafter be appointed as such, that evidence in cases in which an appeal is allowed shall be taken down by them with their own hand in the English language. "

By order

Secretary to Govt.

Draft
Hes
15.9.10

16/9/10

The Compiler Mysore Gazette for publication with a Kannada translation.

Memo N. J 921 / Cl 23-10-4. & 22/9/10

Copy of the above is forwarded to the Registrar of the Chief Court of Mysore, with reference to his letter N° 1259/76 & 12.9.10.

By order